

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION**

JEFFERY LYNN FAIR,)
)
Plaintiff,)
)
v.) Case No. 5:22-cv-679-RDP-GMB
)
JEFFERY T. WESTBROOK, <i>et al.</i>,)
)
Defendants.)

MEMORANDUM OPINION AND ORDER

The Magistrate Judge entered a Report and Recommendation on January 30, 2024, recommending that the court treat Defendants' special reports as motions for summary judgment and (1) grant the motion filed by Perkins and (2) grant in part and deny in part the motion filed by Gordy and Westbrook. (Doc. 47 at 22-23). Although the court advised the parties of their right to file specific written objections within fourteen days, the court has not received any objections.¹

After carefully considering the record in this case and the Magistrate Judge's Report and Recommendation, the court **ADOPTS** the Report and **ACCEPTS** the recommendation. Consistent with that recommendation, it is **ORDERED** that Perkins' motion for summary judgment (Doc. 33) is **GRANTED**. It is further **ORDERED** that Gordy and Westbrook's motion for summary judgment (Doc. 37) is **GRANTED IN PART** as to Plaintiff's claims against Gordy and **DENIED IN PART** as to Plaintiff's claim against Westbrook for excessive force in his individual capacity. This matter is **REFERRED** to the Magistrate Judge for further proceedings.

DONE and **ORDERED** this February 20, 2024.


R. DAVID PROCTOR
 UNITED STATES DISTRICT JUDGE

¹ Plaintiff did not file any objections, but he did file a "Motion to Respond to Defendants' Supplement to Special Report," in which he asserts that both [Gordy and Westbrook] committed perjury and lied under oath" in their affidavits." (Doc. 48 at 3).